

## **REMARKS/ARGUMENTS**

Favorable reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herein. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 22-33, 52-55, and 57-60 are pending. Claims 22, 26, and 52 are independent. Claims 22-33, 52-55, and 57-60 are hereby amended. No new matter has been introduced by this amendment.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. OBJECTIONS TO THE CLAIMS**

Claims 22, 26, and 52 were objected to because of an informality. The Office Action states that claims 22, 26, and 52 recite the limitation "... there is no hand-over between public access servers..." which is not an absolute limitation since the Specification on page 7 (last line) specifies that "... they do not necessarily support handover ..." (emphasis in original). The Office Action states that the Examiner interpreted this limitation as an open-ended limitation (i.e., handover is not necessary unless the system requires it to do so).

Firstly, Applicants respectfully submit that limitations and features from the specification are **not** to be read into the claims. See, for example, Electro Med. Sys. S.A. v.

Cooper Life Sciences, 32 U.S.P.Q.2d 1017, 1021 (Fed. Cir. 1994): “[C]laims are not to be interpreted by adding limitations appearing only in the Specification.”

Secondly, Applicants respectfully submit that the Office Action has misinterpreted the present application. The Specification states, on page 3, line 14, that “preferably there is no hand-over between adjacent public access servers.” Further, the Specification explains on page 9, lines 1-4, the advantage of this feature: “proposed concept does not need to have smart backbone infrastructure like cellular systems, it is much simpler, **there is no handover between adjacent fixed hubs**, and the same transmission frequency can be reused efficiently” (emphasis added). The portion of the Specification cited by the Office Action in the objection (page 7, last line), is referring to networking protocols that would be compatible with the transmission system of the instant invention, namely ones that “do not necessarily support handover.”

Therefore, Applicants respectfully submit that the objection is improper, and should be withdrawn.

### **III. REJECTIONS UNDER 35 U.S.C. §103**

#### **A. CLAIMS 22-33**

Claims 22-28 and 30-33 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,326,926 to Shoobridge et al. (hereinafter, merely “Shoobridge”).

Claim 29 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shoobridge in view of U.S. Patent Application Publication No. 2003/0013482 to Brankovic (hereinafter, merely “Brankovic”).

Applicants respectfully submit that the substance of this rejection is the same as that made in the Office Action dated June 6, 2002, in which claims 22-33 were rejected as unpatentable over Shoobridge. Applicants' response filed November 22, 2002 was apparently convincing, because in the subsequent Office Action dated February 13, 2002, the Examiner indicated in the first paragraph the allowance of claims 22-33. After further prosecution, all claims were indicated as allowable, and the Office issued a Notice of Allowance on March 4, 2005. Before the issue fee was paid, Applicants filed an RCE on June 2, 2005 in order to submit an IDS for the Examiner's consideration. The submission of the IDS was necessitated by the citation of two non-patent documents in a Search Report that issued in the corresponding European application on or about July 31, 2003. The cited documents had no bearing on the patentability of the claims, and the Examiner is thanked for acknowledging such.

Subsequently, the Office withdrew the allowance, and rejected all pending claims as unpatentable over Shoobridge. Applicants respectfully submit that no significant new issues have been raised about Shoobridge by the Office that would render the claims unpatentable and that were not addressed previously. Applicants respectfully submit that the "new interpretation" of Shoobridge, as referred to in paragraph two of the outstanding Office Action, is erroneous, and in fact supports Applicants' position. While Applicants do not concede that Shoobridge is prior art to the present application (note that Shoobridge was filed only a few weeks prior to the filing of this application), Applicants respectfully traverse the rejections for all the reasons detailed below.

Claim 22 recites, *inter alia*:

**"... wherein there is no hand-over between adjacent public access servers."** (Emphasis added)

As understood by Applicants, Shoobridge relates to a system having a first antenna arrangement tuned to communicate within a first radiation pattern and a second antenna arrangement tuned to communicate within a second radiation pattern. The first radiation path is employed to communicate to access points communicating according to the IEEE 802.11 standard and being located above tabletop level. The second radiation path is employed to communicate to access points communicating according to the Bluetooth standard and being located at or below tabletop level. A guard band separates the first radiation path from the second radiation path.

Applicants respectfully submit that Shoobridge does not disclose or suggest a wireless transmission system comprising a plurality of public access servers and at least one mobile terminal, wherein there is no hand-over between adjacent public access servers, as recited in claim 22.

The Office Action stated the following in regard to handover:

Shoobridge does not explicitly disclose that there is no hand-over between adjacent public access servers. In column 6, lines 48-52, Shoobridge discloses that “... upon roaming from one cell to another, the mobile communication unit 66 is configured to associate itself with a new access point 54 or directly with the host computer 60 within range...” This is interpreted as the mobile communication unit re-registers itself with the new access point (i.e., “no handover”). (Emphasis added)

Applicants respectfully submit that handover and handoff are synonymous in the art of wireless communication, and that handover and handoff are defined as:

The transfer of a cellular transmission from one radio frequency within a cell to another radio frequency in an adjacent cell. Handoffs occur when a cellular user passes out of the range that the cell can handle and into another cell's range, and the signal is passed from one base station to the next. (See Webopedia, <http://www.webopedia.com/TERM/H/handoff.html>)

Applicants respectfully submit that Shoobridge does, in fact, imply a system with a hand-over operation. Indeed, the Office Action is incorrect in its interpretation of Shoobridge. The cited portion of Shoobridge (column 6, lines 48-52) specifically discloses handover. For example, the emphasized recitation “upon roaming from one cell to another, the mobile communication unit is configured to associate itself with a new access point or directly with the host computer within range,” specifically teaches handover as defined in the dictionary above.

Additionally, the Shoobridge reference contradicts the Office Action’s assumption at column 1, lines 45-58, which reads:

“Typically, access points will be positioned along the backbones such that the combined cell area coverage from each access point provides full coverage of a building or site. Mobile devices such as telephones, pagers, personal digital assistants (PDA’s) are designed to be carried throughout the system from cell to cell. ... As the mobile device roams from one cell to another, the mobile device will typically deregister with the access point of the previous cell and register with the access point associated with the new cell.” (Emphasis added)

Moreover, as quoted above, Shoobridge reveals that PDA’s are also designed to implement handover, contrary to the reasoning provided in the Office Action. Further, the aspect of the mobile unit roaming from one cell to another and associating itself with a new access point (24) of the new cell, i.e., implying that handoff from one access point (24) to another does in fact take place in Shoobridge, is also disclosed at column 5, lines 47-50.

Accordingly, in light of the above disclosure in Shoobridge, it is readily apparent that Shoobridge, by specifically teaching a system with handover operations, teaches away from the present invention which is a system that does **not** rely on handover.

Thus, Applicants respectfully submit that claim 22 is patentably distinguishable from Shoobridge.

Claim 26 is an analogous method claim, and is similar in scope to claim 22, and is therefore patentable for similar reasons.

In regard to claim 29, which was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shoobridge in view of Brankovic, Applicants respectfully submit that Brankovic is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

More specifically, M.P.E.P. §2146 states:

“These changes to 35 U.S.C. 103(c) apply to all patents (including reissue patents) granted on or after December 10, 2004. The amendment to 35 U.S.C. 103(c) made by the AIPA to change "subsection (f) or (g)" to "one or more of subsections (e), (f), or (g)" applies to applications filed on or after November 29, 1999. It is to be noted that, for all applications (including reissue applications), **if the application is pending on or after December 10, 2004, the 2004 changes to 35 U.S.C. 103(c), which effectively include the 1999 changes, apply; thus, the November 29, 1999 date of the prior revision to 35 U.S.C. 103(c) is no longer relevant.**” (Emphasis added)

Brankovic was filed on July 1, 1999, and issued on January 16, 2003. The present application was filed on June 13, 2000, and therefore Brankovic qualifies as prior art for purposes of §103(a) only under §102(e).

Brankovic and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony International

(Europe) GMBH. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Brankovic is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Brankovic in the above-noted Office Action are overcome.

Therefore, in addition to being patentable from its dependence from claim 22, claim 29 is also patentable under the provisions of §103(c).

B. CLAIMS 52-60

Claims 52, 55, 57, and 59-60 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shoobridge in view of U.S. Patent No. 6,218,987 to Derneryd et al. (hereinafter, merely "Derneryd").

Claims 53-54 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shoobridge and Derneryd in further view of U.S. Patent No. 4,414,550 to Tresselt et al. (hereinafter, merely "Tresselt").

Claim 58 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shoobridge and Derneryd in further view of Brankovic.

Applicants respectfully traverse these rejections.

Claim 52 recites, *inter alia*:

"A wireless transmission system comprising:

a fixed hub connected to an information source, said fixed hub provided with a wide angle beam antenna; and

**a hand-held mobile terminal provided with a narrow beam antenna,**

wherein content from said information source is  
downloaded to said mobile terminal via said fixed hub only  
within a small localized area of said fixed hub,

wherein said fixed hub is one of a plurality of fixed hubs,  
and

**wherein there is no handover between said fixed hubs.**  
(Emphasis added)

As understood by Applicants, Derneryd relates to an apparatus and a method for simultaneously generating, with the same radio antenna apparatus, a number of narrow beams and a wide beam, covering substantially the same area covered by the individual pointed beams together. The radio antenna apparatus comprises an antenna array, a Butler matrix connected to the antenna array, and a set of amplifying modules. The activation of each of the inputs of the radio antenna apparatus corresponds to a radiation pattern characterized by a narrow beam with a high antenna gain from the antenna array. By simultaneously activating the beam ports with the same signal with suitable phase relationships a superimposition of the radiation patterns to which the activated beam port corresponds is achieved in such a way that a wide beam is generated. Since all amplifying modules are used simultaneously, the lower antenna gain of the wide beam will be compensated by a corresponding higher amplification. The wide beam will therefore have substantially the same range as the narrow beams.

Claim 52 claims a wireless transmission system with a fixed hub provided with a wide angle beam antenna and a mobile terminal provided with a narrow beam antenna. The Office Action concedes that Shoobridge does **not** disclose that the hub is provided with a wide angle beam antenna and that the hand-held mobile terminal is provided with a narrow beam antenna (see paragraph 6 on pages 5-6). The Office Action relies on Derneryd to teach this



feature and argues that Derneryd discloses both a fixed hub with a wide angle beam antenna and a mobile terminal with a narrow beam antenna (referring to column 3).

Applicants respectfully submit that this assertion is incorrect. The Derneryd disclosure only refers to beam forming techniques with a Butler Matrix and so forth employed at the base station. Derneryd does not disclose or suggest using a narrow beam antenna at the mobile terminal. That is, the communication mentioned in column 3 between base stations and mobile terminals occurs over mobile terminals with (conventional) wide beam antennas and base stations with Butler Matrix generated narrow beams. This scenario is different from that claimed in claim 52. Accordingly, claim 52 is not rendered obvious by the combination of Shoobridge and Derneryd.

Additionally, Applicants respectfully submit that claim 52 also requires that there is no handover between the fixed hubs. The Office Action relies upon Shoobridge to teach this feature. However, for all the reasons provided above in the response to the rejection of claims 22-33, Shoobridge does **not** suggest this feature, and in fact teaches away from the instant invention.

Therefore, for all the reasons given above, Applicants respectfully submit that claim 52 is patentable.

In regard to claim 58, which was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shoobridge and Derneryd in further view of Brankovic, Applicants respectfully submit that Brankovic is disqualified as prior art in a rejection under 35 U.S.C. §103(a) to the present application under the provisions of 35 U.S.C. §103(c), as explained above.

Therefore, in addition to being patentable for its dependence from claim 52, claim 58 is also patentable under the provisions of §103(c).

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

Applicants respectfully submit that all of the claims are in condition for allowance and respectfully requests a new Notice of Allowance be issued in view of the remarks and arguments above.

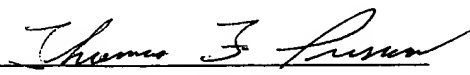
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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